

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE THE BEAR STEARNS COMPANIES, INC.  
SECURITIES, DERIVATIVE, AND ERISA  
LITIGATION

This Document Relates To:  
Securities Action, No. 08 Civ. 2793 (RWS)

BRUCE S. SHERMAN,

Plaintiff,

v.

BEAR STEARNS COMPANIES INC., JAMES CAYNE,  
WARREN SPECTOR AND DELOITTE & TOUCHE  
LLP,

Defendants.

Master File No.:  
08 MDL 1963 (RWS)

ECF Case

**ORAL ARGUMENT**  
**REQUESTED**

Index No.:  
09 Civ. 8161 (RWS)

**NOTICE OF MOTION TO EXCLUDE THE**  
**REPORT AND TESTIMONY OF JOHN D. FINNERTY**

PLEASE TAKE NOTICE THAT, upon the pleadings and papers in this matter, the accompanying Memorandum of Law, the Declaration of Jessica S. Carey and the exhibits annexed thereto, Defendants The Bear Stearns Companies Inc., James Cayne, and Warren Spector will move this Court, before the Honorable Robert W. Sweet, on December 2, 2015 at 12:00 pm, or at a date and time to be determined by the Court, for an order pursuant to Federal Rules of Evidence 403, 702, and 703, and the Supreme Court's decision in *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), granting Defendants' motion to exclude certain portions of the report and testimony of

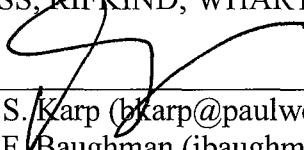
Plaintiff's expert John D. Finnerty from these actions. The grounds for this motion are set forth in the accompanying memorandum of law.

Dated: August 17, 2015  
New York, NY

Respectfully Submitted,

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

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